Backgrounder

October 2000

Center for Immigration Studies

Injustice for All

An Excerpt from *Sellout: The Inside Story of President Clinton's Impeachment*

By David Schippers

In October 1996, in one of the first public accounts of this matter, former Center Senior Fellow Rosemary Jenks testified before the Senate Subcommittee on Immigration about many of the abuses surrounding the Citizenship USA program. Ms. Jenks concluded that due to pressure from the White House, and in particular the Vice President's office, the Immigration and Naturalization Service disregarded many of the requirements of the naturalization process that ensure that only qualified immigrants with no significant criminal history may become citizens. She subsequently testified before the House immigration subcommittee on the same matter, in April 1997. Her remarks before that committee may be found at www.house.gov/judiciary/666.htm.

In his new book, *Sellout: The Inside Story of President Clinton's Impeachment*, David P. Schippers, former Chief Counsel for the House Judiciary Committee, details his investigation of these same issues. He concludes that were he and his investigators afforded more time, it is likely the abuses of the Citizenship USA program would have been included in the list of impeachable offenses against President Clinton. Below is an excerpt from Schippers' book, published last month by Regnery.

My staff and I agreed that we needed to focus on the Immigration and Naturalization Service (INS), which appeared to be running out of control.

By the time we came to the subject, investigations by the General Accounting Office (GAO) and congressional committees had already indicated that the White House used the INS to further its political agenda. A blatant politicization of the agency took place during the 1996 presidential campaign when the White House pressured the INS into expediting its "Citizenship USA" (CUSA) program to grant citizenship to thousands of aliens that the White House counted as likely Democratic voters. To ensure maximum impact, the INS concentrated on aliens in key states — California, Florida, Illinois, New York, New Jersey, and Texas — that hold a combined 181 electoral votes, just 89 short of the total needed to win the election.

The program was placed under the direction of Vice President Al Gore. We received from the GAO a few e-mails indicating Vice President Gore's role in the plan (which are included in Appendix A at the back of the book). He was responsible for keeping the pressure on, to make sure the aliens were pushed through by September 1, the last day to register for the presidential election.

In our investigation we uncovered a case study evidencing what is pejoratively known in political science circles as "Chicago Politics."

Back in the early years of the twentieth century, "Hinky Dink" Kenna and "Bathouse" John Coughlin were recognized as the very models of the unsavory Chicago politician. The two once fixed an aldermanic election in Chicago's First Ward. To do so, they imported thousands of ward heelers, friends, associates, and city workers and had them registered to vote from every building in the ward — from homes (of which there were few) to taverns and cribs (of which there were many). On Election Day the recent arrivals

From *Sellout: The Inside Story of President Clinton's Impeachment* by David Schippers. Copyright 2000. All rights reserved. Reprinted by special permission of Regnery Publishing, Inc. Washington, D.C.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

stopped at Hinky Dink's tavern, picked up fifty cents, ate a free lunch, and went out to vote their consciences. Guess who won that election?

Essentially, the same tactics were used during President Clinton's reelection in 1996. Only this time the Democrats weren't handing out sandwiches. Instead, through CUSA, they were circumventing normal procedures for naturalizing aliens — procedures that check backgrounds and weed out criminals — and consequently they were handing out citizenship papers to questionable characters.

They were circumventing normal procedures for naturalizing aliens — procedures that check backgrounds and weed out criminals — and consequently they were handing out citizenship papers to questionable characters.

The possibility of using CUSA apparently occurred to the White House in February 1996, when Henry Cisneros, then Secretary of Housing and Urban Development, forwarded a memo to President Clinton. The memo, from the California Active Citizenship Campaign (ACC), complained of a backlog of alien applications for naturalization in Los Angeles. It contained the magic words: "INS inaction [on the backlog] will deny 300,000 Latinos the right to vote in the 1996 presidential elections [*sic*] in California."

The memo outlined the services that the Industrial Areas Foundation (IAF) in Los Angeles could provide. The IAF offered thousands of volunteers to help process voter applications, register thousands of new voters, conduct 5,000 house meetings, encourage voting by mail, and get more than 50,000 occasional voters out to vote in the presidential election. Most interesting were the promises that the IAF would "create voter interest around issues of Affirmative Action and Minimum Wage, . . . influence 300,000 voters in the preparation for Nov. 1996, . . . produce 5,000 precinct leaders and turn out 96,000 voters for the 1996 presidential election."

The White House discovered a problem, however: INS Commissioner Doris Meissner didn't want to speed up the naturalization process and warned President Clinton's people that such a push might be viewed as politically motivated.

Documents show that President Clinton asked Doug Farbrother of the National Performance Review (NPR) staff to look into removing barriers to citizenship not only in Los Angeles but also in San Francisco, Chicago, New York, and Miami — major cities in four swing states. In a memo to the President, Farbrother noted Commissioner Meissner's concern and suggested two options. Farbrother stated that "we can reduce — but not eliminate — the risk of controversy over our motives by appointing one of our proven NPR reinventors as Deputy INS Commissioner . . . As part of the official INS management team, our reinventor would have more direct influence and the INS staff would be less likely to go public with complaints than they would over the interference of an outsider." The memo observed that "reinventors" should be put in many other agencies, as well, to replace leaders who "don't 'get it.'"

The second option was to let the INS do the best it could and to hope for success — though, Farbrother added, "a lot of people will still be waiting for their citizenship papers for a long time."

It appears the second option was never seriously considered. In his memo, Farbrother recommended option one to the President because, "[t]o get anywhere near a million applicants naturalized" by summer's end, the administration would have "to force some serious 'reinvention' on INS."

Farbrother and the NPR won the assignment of getting the INS to process more than a million applicants by the end of the summer. As early as March 1996, GAO documents reveal, he was reporting his efforts, recommendations, and results to Vice President Gore. Farbrother reported how he had told the INS and the Justice Department to waive "stupid rules," and he told Gore that unless reforms were implemented, the backlog wouldn't be "processed in time."

As Farbrother noted in a March 22 e-mail to Gore, he had told INS Deputy Commissioner Chris Sale and Deputy Attorney General Jamie Gorelick "to delegate broad authority to the managers in" New York, Chicago, Miami, San Francisco, and Los Angeles. But the INS and the Justice Department were not immediately complying with his demands, he said. Keeping the pressure on, Farbrother sent Sale a fax reiterating how important this delegation was in order "to get the results the Vice President wants." In the fax he also commented, "I need you or Doris [Meissner] to sign something like the attached," referring to a memo giving those INS district directors "full authority to waive, suspend, or devi-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ate from DOJ and INS nonstatutory policies, regulations, and procedures provided you operate within the confines of the law."

The White House wanted any applicant for citizenship to be naturalized in time to register for the November election, so the pressure on the INS was constant. On March 21 Elaine Kamarck in the Vice President's office sent an e-mail to Farbrother saying: "THE PRESIDENT IS SICK OF THIS AND WANTS ACTION. IF NOTHING MOVES TODAY WE'LL HAVE TO TAKE SOME PRETTY DRASTIC MEASURES." Farbrother responded, "I favor drastic measures." If he couldn't get what he wanted from the INS, he wrote, he would "call for heavy artillery."

In a March 26 e-mail to the Vice President, Farbrother reported that Chris Sale has indeed "delegated hiring authority to the five cities and increased their budgets by 20 percent." But, he wrote, "I still don't think the city directors have enough freedom to do the job." Two days later Farbrother told the Vice President by e-mail, "[U]nless we blast INS headquarters loose from their grip on the frontline managers, we are going to have way too many people still waiting for citizenship in November." He added, "I can't make Doris Meissner delegate broad authority to her field managers. Can you?"

Gore answered, "We'll explore it. Thanks." By the end of March, Doris Meissner capitulated. On April 4, 1996, Elaine Kamarck, to prepare the Vice President for a lunch with Clinton, drafted a memo to Gore briefing him on the INS progress. In time, Newark, New Jersey, and Houston, Texas, would be added to the list of targeted cities, and in all, more than a million aliens would be naturalized in time to vote in the 1996 election.

Because of time constraints, we focused our own investigation on the INS district office in Chicago, which Gore had visited in 1996 to check on the registration progress. We quickly discovered that the most flagrant and critical breakdown occurred in fingerprint checks.

Federal regulations require that, for an alien to obtain citizenship, his application for naturalization (citizenship) *must* be accompanied by a complete set of the alien's fingerprints. The fingerprint cards are then sent to the FBI to determine if the applicant has a criminal or arrest record. The law provides that an application may be denied if the alien has a serious criminal record or if he falsely denies ever having been arrested, even if he was never convicted.

In the INS district offices, the alien applicant for naturalization cannot be scheduled for a personal interview until at least 60 days after the application is submitted. This delay is specifically intended to allow sufficient time for an FBI fingerprint check. If the check reveals an arrest record identification, the arrest report is inserted in the alien's file prior to the interview. An arrest record does not automatically result in a denial of citizenship, but it alerts an examiner to spend additional time questioning the applicant and to request that he furnish further information.

If there is no criminal arrest record in the file prior to the interview, the examiner will assume that none exists. For that reason, the INS has always considered the FBI fingerprint check to be the only practical way of preventing violent felons, dope peddlers, and the like from obtaining citizenship. Any breakdown in the collecting, checking, and reporting of the fingerprints can cause a breakdown of the entire process.

FBI arrest records that were being sent to the Chicago INS office simply were not being inserted into the aliens' files. As a result, aliens with criminal records were being granted citizenship.

In our investigation we developed sources inside the INS with specific knowledge of the facts who revealed that FBI arrest records that were being sent to the Chicago INS office simply were not being inserted into the aliens' files. As a result, aliens with criminal records were being granted citizenship.

Our sources also disclosed that, just prior to the 1996 voter registration deadline, a box was discovered in the Chicago INS office containing nearly five thousand FBI arrest reports—reports that had arrived in time but had been ignored.

Later, when the office discovered that those reports had never been processed, the INS initially tried to blame the FBI, claiming that the Bureau had not provided the arrest records within the 60-day window. But the FBI had done its job in a timely manner. Then the INS tried to convince the public that the foul-up really hadn't harmed the process much. The agency cited statistics showing that the rejection rate of 17 percent was just about what it had always been, so no harm, no foul. But the INS neglected to take into account the thousands of aliens with criminal arrest records who were

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

not rejected, even though they would have been under the normal procedures. If the traditional process had been followed, the rejection rate in the summer of 1996 would have easily exceeded 30 percent and perhaps have been even higher.

INS agents in the district offices were directed to relax the testing for English, complete every interview within 20 minutes, and ensure that all applicants pass the Civics test by continuing to ask questions until an applicant got a sufficient number right. Sometimes it was necessary to ask 20 or 25 questions before four or five were answered correctly.

The White House, the INS, and the Justice Department publicly denied any political motive in the CUSA program to expedite the citizenship procedure. What the United States got is undeniable:

1. More than 75,000 new citizens who had arrest records when they applied;

2. An additional 115,000 citizens whose fingerprints were unclassifiable for various technical reasons and were never resubmitted; and

3. Another 61,000 people who were given citizenship with no fingerprints submitted at all.

Those numbers were developed by the accounting firm of KPMG Peat Marwick as a result of an audit of the 1996 CUSA program.

What we had here was a perfect example of the Clinton-Gore administration's overarching political philosophy: "The ends justify the means," coupled with "win at any cost." It was a philosophy of governance that, as our investigations into other areas proceeded, we would find repeated again and again.

When the results of the KPMG Peat Marwick audit were made public, the INS and Justice vowed to remedy the situation, root out the felons, and revoke erroneously awarded citizenship. Everyone congratulated the administration for acting so quickly — and then promptly forgot about it.

In June 1998, as part of our oversight investigation of the Justice Department, we continued the investigation of CUSA. Our interest intensified when we heard unconfirmed reports that a similar plan was in the works for the next presidential election.

One of the first things we learned from our INS sources was that the INS had refused to employ the quickest and most effective method for revoking improperly granted citizenship — there is a federal statute that can be used in such cases. Instead the INS chose to conduct administrative revocations. But the agency acted under the authority of an INS regulation whose enforcement a District Court judge enjoined on July 7, 1998, citing the regulation's dubious constitutionality. In other words, the agency had willingly maneuvered itself into a do-nothing position.

In the course of our investigation, we discovered that FBI arrest records were still missing from the proper files; many were still in boxes. We unearthed that several individuals who had been naturalized illegally were now trying to sponsor their relatives for citizenship. We found sponsors who were unable to speak a word of English, a condition that should have prevented naturalization. Similarly, we uncovered arrest records or other information that should have been disqualifiers for naturalization. But, according to interviews my staff conducted with sources inside INS offices, INS agents who had found these irregularities were ordered to ignore them and to revoke citizenship only in cases ordered by the auditors.

Our sources inside the INS revealed that, in preparation for the 2000 elections, INS agents in the district offices were directed to relax the testing for English, complete every interview within 20 minutes, and ensure that all applicants pass the Civics test by continuing to ask questions until an applicant got a sufficient number right. Sometimes it was necessary to ask 20 or 25 questions before four or five were answered correctly.

We received no cooperation from either the Justice Department or the INS. Instead we received nothing but complaints about not going through the proper channels, investigating old news, being partisan — if not racist — and so on. But we reasoned that if criminals were given citizenship in 1996, at least some of them had probably continued their criminal activity in the two years since. We asked the GAO — an investigative agency that works for Congress and is therefore not subject to White House or Justice Department pressures — to give us FBI arrest records related to the CUSA program. We were given unquestioned cooperation and boxes of FBI reports.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

We reviewed every document in those boxes, pulling out about a hundred of the most violent or serious crimes committed by aliens prior to naturalization and documented by arrest records. I specifically excluded minor immigration crimes, tax offenses, or white-collar crimes such as driving under the influence. I asked the staff to search for drug trafficking and violent crimes such as rape and child abuse. Those are the types of crimes that are most often repeated. A child abuser tends to abuse again, and a rapist tends to rape again.

After a few days — and going through only a few of the 20 or so boxes — we had our basic 100 heinous crimes, including one criminal who was actually in jail at the time he was naturalized.

We asked the FBI if it had arrest records for crimes committed by the same aliens in this country since 1996 and sent them our one hundred profiles.

Less than a week later, the FBI sent the updated arrest records to the Justice Department. (Per an agreement between the FBI and the Justice Department, all materials requested from the Bureau must go through Justice.) But when we inquired about them, the department claimed that it hadn't yet received the records. An hour later, however, Justice called back to say that the "misplaced" reports had been located.

Of those 100 arrest records updated by the Bureau, some 20 percent showed arrests for serious crimes after the subject was given citizenship. Based on these random results, we asked for updates on every arrest record in our 20 boxes. Our plan was to update every report, using only FBI numbers and with the FBI redacting all identifying information to address the issue of privacy concerns. If, as we anticipated, anywhere near 20 percent came back with subsequent crimes, we would then confront the Justice Department, demand the identity and address of these known criminals, and point out that they had been given citizenship illegally and were still engaged in criminal activity. Unfortunately, before we could go further, the referral from Independent Counsel Kenneth Starr arrived. Had we been given sufficient time to develop evidence and witnesses, the CUSA matter might have been included in the abuse of power impeachment article.

The 1996 arrest records are still available, and I am sure the FBI is still willing to update all of them. In the meantime, thousands of criminals are now citizens of the United States because it was assumed they would vote for Bill Clinton and Al Gore.

Support the Center

The Center for Immigration Studies depends on your support to continue this *Backgrounder* series, studies, and papers as well as the CISNEWS e-mail service and public outreach. More and more individuals are choosing planned gifts as a way to help sustain charitable programs and also reduce their tax burden. To find out more about planned giving, contact the Center's Development Director at (202) 466-8185 or through e-mail at center@cis.org

Subscriptions to this *Backgrounder* series are available for $35 per year (12 monthly issues). A complete list of the Center's other publications is available at www.cis.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED